

**COMMITTEE ON THE IMPACT OF
DOMESTIC VIOLENCE AND THE COURTS**
Minutes - Telephonic Meeting
January 4, 2012
Arizona State Courts Building
Conference Room 230
1501 W. Washington Street, Phoenix, AZ 85007

MEMBERS PRESENT TELEPHONICALLY:

Honorable Emmet Ronan, Chair

Honorable Keith D. Barth

Ms. Elizabeth Ditlevson - *proxy for Ms.
Allison Bones*

Honorable Lynn Fazz

Ms. V. Michele Gamez

Professor Zelda Harris

Ms. Elizabeth Clements - *proxy for Ms.
Dana Martinez*

Honorable Cathleen Brown Nichols

Ms. Marla Randall

Ms. Renae Tenney

Ms. Tracey J. Wilkinson

MEMBERS PRESENT IN PERSON:

Honorable Elizabeth Finn - *proxy for Ms. Cathy
Clarich*

Mr. John Raeder - *proxy for Ms. Leah
Meyers, M.S.W.*

MEMBERS ABSENT:

Honorable Carol Scott Berry

Ms. Joi Davenport

Dr. Kathy S. Deasy

Ms. Pegg Derrow

Ms. Gloria E. Full

Honorable Carey S. Hyatt

Honorable Joseph P. Knoblock

Ms. Patricia Madsen, Esq.

Honorable Wendy Million

Chief Jerald L. Monahan

Ms. Kristine Reich

Captain David Rhodes

Ms. Andrea K. Sierra

Detective Eugene J. Tokosh

STAFF:

Ms. Kay Radwanski

Ms. Tama Reily

I. REGULAR BUSINESS

A. Welcome and Opening Remarks

Without a quorum present, the January 4, 2012, telephonic meeting of the Committee on the Impact of Domestic Violence and the Courts (CIDVC) was called to order at 1:34 p.m. by the Honorable Emmet J. Ronan, chair.

II. BUSINESS ITEMS/POTENTIAL ACTION ITEMS

B. Petition to Amend Court Rules Regarding Public Access to Unserved Protection Orders

Kay Radwanski, AOC committee staff, recapped the facts surrounding unserved protection orders and their accessibility to the public. This issue was addressed at the November CIDVC meeting, and the ARPOP Workgroup has now drafted language for a rule change petition to make protection orders confidential until proof of service is filed with the court. Ms. Radwanski presented two draft petitions, one that would amend only ARPOP, and a second that would also modify the Arizona Rules of Family Law Procedure (ARFLP). She reported that Jeff Mangis from the Maricopa County Clerk's office met with the workgroup to discuss potential technical challenges from a case management perspective. He advised that the process of shielding the unserved orders should not pose any undue system issues.

Ms. Radwanski also reported that in December, she presented the draft rule petition to the presiding judges from the 15 counties. At the time, Judge Norman Davis from Maricopa County shared a concern that there is current authority under the ARFLP (family law rules) to address risks involved with unserved orders. However, it was noted that many protective orders are issued out of the limited jurisdiction courts, and the family law rules would not apply to these cases. The rule petition was also presented to the Arizona Judicial Council (AJC) and received its support. The deadline for submitting the rule change petition is January 10, 2012.

MOTION: Judge Finn moved to submit a rule change petition to amend ARPOP and ARFLP as discussed. Motion seconded by Professor Harris. Motion passed unanimously. CIDVC-12-001

While there was not a quorum present for the special meeting, the CIDVC members in attendance authorized Judge Ronan, CIDVC chair, to file the petition on the committee's behalf.

MOTION: Judge Finn moved to modify the final sentence of the petition to read "the court may share information about the protective order with prosecutors or with law enforcement. Motion seconded by Judge Barth. Motion passed unanimously. CIDVC-12-002

MOTION: Judge Finn moved to amend the last motion to include the plaintiff, along with prosecutors or law enforcement. Motion seconded by Judge Barth. Motion approved unanimously. CIDVC-12-003

Ms. Radwanski explained that the petition will be filed electronically within the next several days. The petition will remain available for comment on the [Rules Forum](#) until May 20, 2012.

III. OTHER BUSINESS

A. Call to the Public

No public were present.

B. Next Meeting

February 14, 2012

Conference Room 119 A/B

Arizona State Courts Building

1501 W. Washington

Phoenix, AZ 85007

Meeting adjourned at 2:07 p.m.